



February 23, 2004

Pair admit telemarketing fraud

More than two dozen elderly victims were defrauded of more than \$437,000

Marilyn Cruz, of Providence, and **Shanta Garner**, of Coral Gables, Florida, and formerly of Providence, pleaded guilty today to telemarketing fraud charges, admitting that they bilked elderly victims out of more than \$437,000 by fraudulently inducing them to pay fees for non-existent sweepstakes prizes.

The Office of the United States Attorney announced the guilty pleas, which the defendants entered today before U.S. District Court Judge William E. Smith in U.S. District Court, Providence. Sentencing is scheduled for May 14 and in the interim Cruz is free on bond and Garner is detained in lieu of bond.

At the plea hearing, Assistant U.S. Attorney Lee H. Vilker said that the two women, at times based out of 180 Harold Street, Providence, where they both lived, called dozens of elderly victims and advised them that they'd won large sums of money in sweepstakes drawings – prizes purportedly ranging from \$100,000 to \$19.3 million. The women told their victims that, to secure the prizes, they had to pay advance fees, often described as taxes and processing fees.

Once a victim was on the hook for advance fees, the con artists continued calling, repeatedly asking for additional fees. The defendants advised their victims to send the money via Western Union or other wire transfer carriers to various locations, including 180 Harold Street and addresses elsewhere in Rhode Island, in Massachusetts, Florida, and the Bahamas.

-more-

Investigators found 29 victims across the country who had sent a total of \$437,911 to the defendants.

After repeated inducements to send fees, some of the victims – or their families – complained to local police departments. Some of those departments recorded additional phone calls in which the defendants solicited fees from the victims. In October 2001, the Rhode Island State Police executed a search warrant at 180 Harold Street, where they found wire transfer records and lead lists of potential victims. The defendants' telephone records reflected more 300 telephone calls that had been placed to known victims of the scheme.

Cruz and Garner pleaded guilty to one count of conspiracy to commit wire fraud and 11 counts of wire fraud. The statutory maximum penalty for conspiracy is five years in federal prison and a \$250,000 fine. The statutory maximum penalty for wire fraud is 20 years in prison and a fine of either \$250,000 or twice the amount of gain or loss. Federal sentencing is determined on the basis of guidelines that are based on such factors as the specific nature of an offense and a defendant's criminal background, if any.

The **Rhode Island State Police** and the **Federal Bureau of Investigation** investigated the case, with assistance from police departments in various communities across the country where the victims live. Assistant U.S. Attorney Lee H. Vilker is prosecuting the case.

-30-

Contact: 401-528-5224

E-mail: thomas.connell@usdoj.gov